

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are currently pending, Claims 1-10 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 14, line 1 to page 18, line 1; and Figures 6A and 6B.

In the outstanding Office Action, Claims 1-10 were objected to for informalities; Claims 1 and 6 were rejected under 35 U.S.C. §102(e) as anticipated by Ejima (U.S. Patent No. 7,176,962); Claims 2 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Ejima in view of Satoh et al. (U.S. Patent No. 5,708,863, hereafter “Satoh”); Claims 3 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Ejima in view of Satoh and Ohishi et al. (U.S. Patent No. 5,713,049, hereafter “Ohishi”); Claims 4 and 9 were rejected under 35 U.S.C. §103(a) as unpatentable over Ejima in view of Satoh and Yoshihara et al. (U.S. Patent No. 5,172,233, hereafter “Yoshihara”); and Claims 5 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Ejima in view of Satoh and Imada (U.S. Pub. No. 2004/0090532).

As an initial matter, Applicant notes that the Examiner did not indicate consideration of reference AO (JP-3063801) listed in the Information Disclosure Statement (IDS) filed on July 28, 2004 for the reason that no copy was submitted. However, according to the USPTO’s Patent Application Information Retrieval (PAIR) system, a copy of JP-3063801 (which corresponds to JP Appl. No. 03-327163) is shown as received in the USPTO on July 28, 2004 and is displayed in the image file wrapper. Accordingly, it is respectfully requested that reference AO, listed in the July 28, 2004 IDS, be indicated as considered.

With respect to the objections to Claims 1-10, Applicant respectfully submits that the amendments to Claims 1, 4, and 6-10, as suggested in the Office Action, overcome these grounds of objection.

With respect to the rejection of Claim 1 under 35 U.S.C. §102(e), Applicant respectfully submits that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

a sharpness comparison device configured to compare sharpness based on the plurality of imaging data obtained by the imaging data obtaining device, and to determine whether a difference in sharpness of the plurality of imaging data is caused by a shake of the digital camera or a movement of the subject based on the compared sharpness.

Applicant respectfully submits that Ejima fails to disclose or suggest at least these features of amended Claim 1.

Ejima describes a digital camera and digital processing system for correcting motion blur using spatial frequency. Ejima shows in Figure 4 that an image 1 can be captured at a shutter speed of T/2 seconds (step 104) and that an image 2 can be captured at a shutter speed of T seconds (step 109). The Office Action takes the position that Ejima describes comparing a sharpness based on a plurality of imaging data by comparing spatial frequency components of image 1 and image 2 (see Office Action, at page 3, citing col. 16, lines 20-33 and col. 22, lines 17-20 of Ejima). The Office Action also takes the position that Ejima describes that a shake of the camera or a blur of a subject is determined corresponding to a comparison result of a sharpness comparison device because an image blur is judged by comparing the spatial frequency components of image 1 and image 2 (see Office Action at page 3, citing col. 16, lines 20-33, and col. 21 to col. 22, line 30).

However, Ejima describes comparing the spatial frequency components of images obtained through different exposure times in order to achieve image blur correction (see col.

16, lines 20-34 and step 112 of Figure 4). When performing blur correction, Ejima makes no distinction between blur caused by camera shake or blur caused by movement of the subject. Accordingly, Ejima does not describe determining whether an image blur is caused by a shake of the digital camera or a movement of the subject based on a compared sharpness of image data.

Therefore, Ejima fails to disclose or suggest a sharpness comparison device configured to compare sharpness based on a plurality of imaging data obtained by a imaging data obtaining device, and to determine whether a difference in sharpness of the plurality of imaging data is caused by a shake of a digital camera or a movement of a subject based on the compared sharpness, as defined by amended Claim 1.

Thus, it is respectfully submitted that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Ejima.

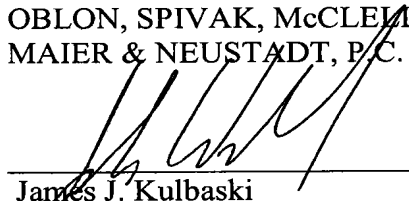
Satoh, Ohishi, Yoshihara, and Imada have been considered but fail to remedy the deficiencies of Ejima with regards to amended Claim 1.

Therefore, it is respectfully submitted that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Ejima, Satoh, Ohishi, Yoshihara, and Imada, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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